

## REMARKS

### I. PRELIMINARY REMARKS

Claim 1 has been amended. No claims have been added or canceled. Claims 1-27 remain in the application. Claims 6, 7 and 9-27 have been withdrawn from consideration. Reexamination and reconsideration of the application, as amended, are respectfully requested.

With respect to the priority issue raised on page 3 of the Office Action, the Examiner's attention is respectfully directed to, for example, Figure 74 of U.S. priority app. Ser. No. 09/072,872 (now U.S. Patent No. 6,142,994).

### II. PRIOR ART REJECTIONS

#### A. The Rejections

Claims 1-3, 5 and 8 have been rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 6,332,880 to Yang ("the Yang patent"). Claim 4 has been rejected under 35 U.S.C. § 103 as being unpatentable over the combined teachings of the Yang patent and U.S. Patent No. 6,171,306 to Swanson ("the Swanson patent"). The rejections under 35 U.S.C. § 102 and 103 are respectfully traversed with respect to the claims as amended above. Reconsideration thereof is respectfully requested.

#### B. Discussion

Independent claim 1 calls for a combination of elements comprising "a **relatively short** outer member," "a **relatively short** shaft ... located at least partially within the .... relatively short outer member and slidable relative to the relatively short outer member," "a control element ... extending to the proximal portion of the relatively short outer member" and "an operative element on the distal portion of the relatively short shaft."

The respective combinations defined by claims 2-5 and 8 include, *inter alia*, the elements recited in claim 1.

The Yang patent discloses a variety of catheter-based probes. The probe illustrated in Figure 21, which was referred to in the Office Action, includes a catheter tube 12, a sheath 150 and a pull wire 152. The probe illustrated in Figure 73, which was also referred to in the Office Action, includes a catheter tube 454, a sheath 472 and a joint 488 that connects the distal end of the catheter tube to the sheath. Applicant respectfully submits that a catheter tube is not a “relatively short shaft” and that a sheath that extends the length of a catheter tube is not a “relatively short outer member.” To that end, the present specification clearly indicates that catheters are not “relatively short,” as this phrase is used in the present application. [See, for example, page 11, lines 21-26.] Additionally, with respect to the probe illustrated in Figure 73 of the Yang patent, the joint 488 does not extend to the proximal portion of the catheter tube 454.

As the Yang patent fails to teach or suggest each and every element of the combination recited in independent claim 1, applicant respectfully submits that claims 1-3, 5 and 8 are patentable thereover and that the rejection under 35 U.S.C. § 102 should be withdrawn.

Turning to the rejection of claim 4, applicant respectfully submits that the Swanson patent fails to remedy the above-identified deficiencies in the Yang patent and that claim 4 is patentable for at least the same reasons as independent claim 1. The rejection of claim 4 under 35 U.S.C. § 103 should, therefore, also be withdrawn.

### **III. CLOSING REMARKS**

In view of the foregoing, it is respectfully submitted that the claims in the application are in condition for allowance. Reexamination and reconsideration of the application, as amended, are respectfully requested. Allowance of the claims at an early date is courteously solicited.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is respectfully requested to call applicant's undersigned representative at (310) 563-1458 to discuss the steps necessary for placing the application in condition for allowance.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-0638. Should such fees be associated with an extension of time, applicant respectfully requests that this paper be considered a petition therefor.

Respectfully submitted,

August 1, 2006  
Date

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